

**AGENDA
BIG LAKE CITY COUNCIL
WORKSHOP**

**APRIL 28, 2021
5:00 p.m.**

- 1) CALL TO ORDER**
- 2) ROLL CALL**
- 3) ADOPT PROPOSED AGENDA**
- 4) BUSINESS**
 - 4A. Code Enforcement Case Review – Non-compliant Residential Fence located at 18846 Newcastle Bay
 - 4B. New Ideas Discussion
- 5) OTHER**
- 6) ADJOURN**

CITY COUNCIL MEETING COVID-19 NOTICE

Attendance at Meetings: All attendees are expected to follow CDC recommendations and State of MN Executive Orders relating to the COVID-19 Pandemic. Some members of the City Council may participate in this Meeting via telephone or other electronic means on an as needed basis.

Disclaimer: This agenda has been prepared to provide information regarding an upcoming workshop of the Big Lake City Council. This document does not claim to be complete and is subject to change.



WORKSHOP ITEM

Big Lake City Council

Prepared By Lucinda Meyers, City Planner	Meeting Date: 4/28/2021	Item No. 4A
Item Description: Code Enforcement Case – Non-compliant Residential Fence located at 18846 Newcastle Bay	Reviewed By: Clay Wilfahrt, City Administrator Reviewed By Hanna Klimmek, EDFP, Community Development Director	

COUNCIL DIRECTION REQUESTED

Staff is looking for Council direction on how to proceed with the code enforcement case.

BACKGROUND/DISCUSSION

- Property owner submitted zoning permit application for fence 9/14/20.
- Upon review of the application, property owner was informed of the following:
 - 1.) the Buffer Yard* located in their rear yard
 - 2.) the Ordinance* precluding fence construction within the Buffer Yard
 - 3.) that staff is unable to approve their request as is
 - 4.) that revisions to the application- locating the fence outside of the buffer yard- would be required for application approval/fence construction.
- After numerous conversations with property owner, property owner rescinds application 9/29/20, stating they were “going to put a pin in [their] fence project and discuss [it] at a later time with [the] City Council.”
- While performing zoning inspections in the area 10/14/20, staff observed the non-compliant fence had been constructed.
- Notice of code violation sent to property owner 4/8/21.

*Buffer Yard and Ordinance provision prohibiting fence construction within it is attached for reference.

FINANCIAL IMPACT

N/A

ALTERNATIVES

- A – Staff should proceed with the code enforcement case. The property owner knowingly violated City Code.
- B – Staff should discontinue code enforcement case. The Council is interested in amending the City Code and removing the provision preventing fence construction within the Buffer Yard.
- C – Staff should proceed with the code enforcement case and send code violation notices to area properties in violation of the same Ordinance.

ATTACHMENTS

- A- Zoning Permit Application
- B- Site Plan submitted with zoning permit application
- C- Notice of Code Violation dated April 8, 2021
- D- City Code Section 1025, Fences (relevant provisions highlighted)
- E- City Code Section 1027, Landscape, Screening and Tree Preservation (relevant provisions highlighted)

**ATTACHMENT A
ZONING PERMIT APPLICATION**



**CITY OF BIG LAKE
ZONING PERMIT APPLICATION
(Residential Projects Only)**

2020-00716

RECEIVED
SEP 14 2020
BY:

CITY OF BIG LAKE
Building Department
160 Lake Street North, Big Lake, MN,
Direct: 763-251-2971 / Fax: 763-263-0133

Date Received by City:

PROPERTY ADDRESS 18846 Newcastle Bay	
PROPERTY OWNER NAME AND ADDRESS Alyssa Broussard	PROPERTY OWNER PHONE NUMBER
APPLICANT NAME Mike Atke	APPLICANT PHONE NUMBER XXXXXXXXXXXXXXXX
APPLICANT ADDRESS (Street, City, Zip Code) 5170 Kahl Ave NE	APPLICANT E-MAIL
CONTRACTOR NAME	CONTRACTOR PHONE NUMBER
CONTRACTOR ADDRESS (Street, City, Zip Code) 882	CONTRACTOR E-MAIL
CONTRACTOR'S STATE LICENSE NUMBER/BOND (REQUIRED)	EXPIRATION DATE OF LICENSE/BOND
BRIEF PROJECT DESCRIPTION 4' High Chain Fence	COMPLETED VALUE OF PROJECT (Include labor and materials)
Signature of Applicant (Owner or Contractor) <i>[Signature]</i>	Date 9-14-20

Accepted forms of payment:
Cash, Check (payable to: City of Big Lake)
Credit Card (Visa / MasterCard / Discover)

PLEASE HAVE REPRESENTATION ON SITE FOR SCHEDULED INSPECTIONS.

REQUIRED INSPECTIONS:
SITE INSPECTION

MINIMUM 24-HOUR NOTICE IS REQUIRED WHEN SCHEDULING INSPECTIONS

FOR INSPECTIONS CALL: 763-251-2971

ZONING APPROVAL

PUBLIC WORKS APPROVAL

BUILDING OFFICIAL APPROVAL

By: Lucinda Meyer Date 9/25/20
Zoning Dept.

By: [Signature] Date 9/25/2020
Public Works Dept.

By: _____ Date _____
Building Dept.

[Signature]

ATTACHMENT B
SITE PLAN SUBMITTED WITH ZONING PERMIT APPLICATION

CERTIFICATE OF SURVEY

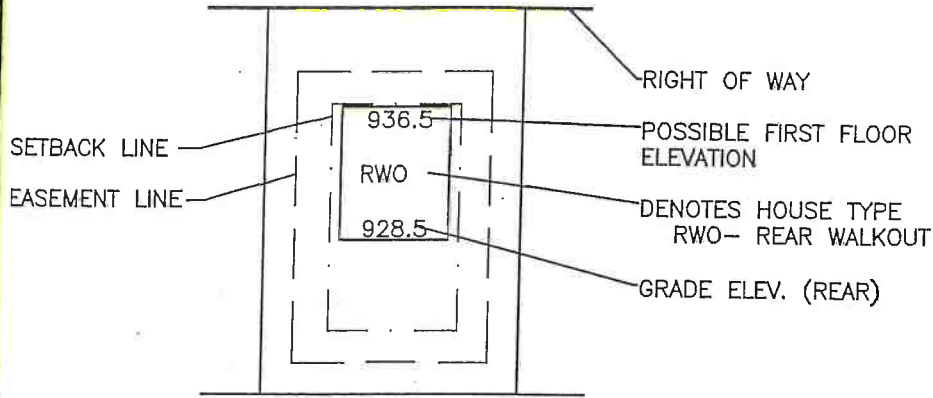
FOR MC BUILDERS

(FOUNDATION SURVEY)

SURVEYOR'S NOTE:

BUILDING ELEVATION REQUIREMENTS ARE TAKEN FROM PRAIRIE HILL LAKE PRELIMINARY PLAT BY JOHN OLIVER & ASSOCIATES, INC.

LOWEST FLOOR = 928.5



LEGAL DESCRIPTION:

Lot 16, Block 1, MITCH K FARMS SECOND ADDITION, City of Big Lake, Sherburne County, Minnesota, according to the recorded plat thereof.

SURVEYOR'S NOTES:

-House type = REAR WALK-OUT

-Building Setbacks
 Front = 30'
 Side = 10'
 Rear = 50'

-Building Elevations
 Top of Block = 936.51
 Garage Floor = 936.20
 Lowest Floor = 928.92

-X 993.9 Denotes existing spot elevations

-933.0 Denotes proposed elevation

-Denotes the drainage flow = →

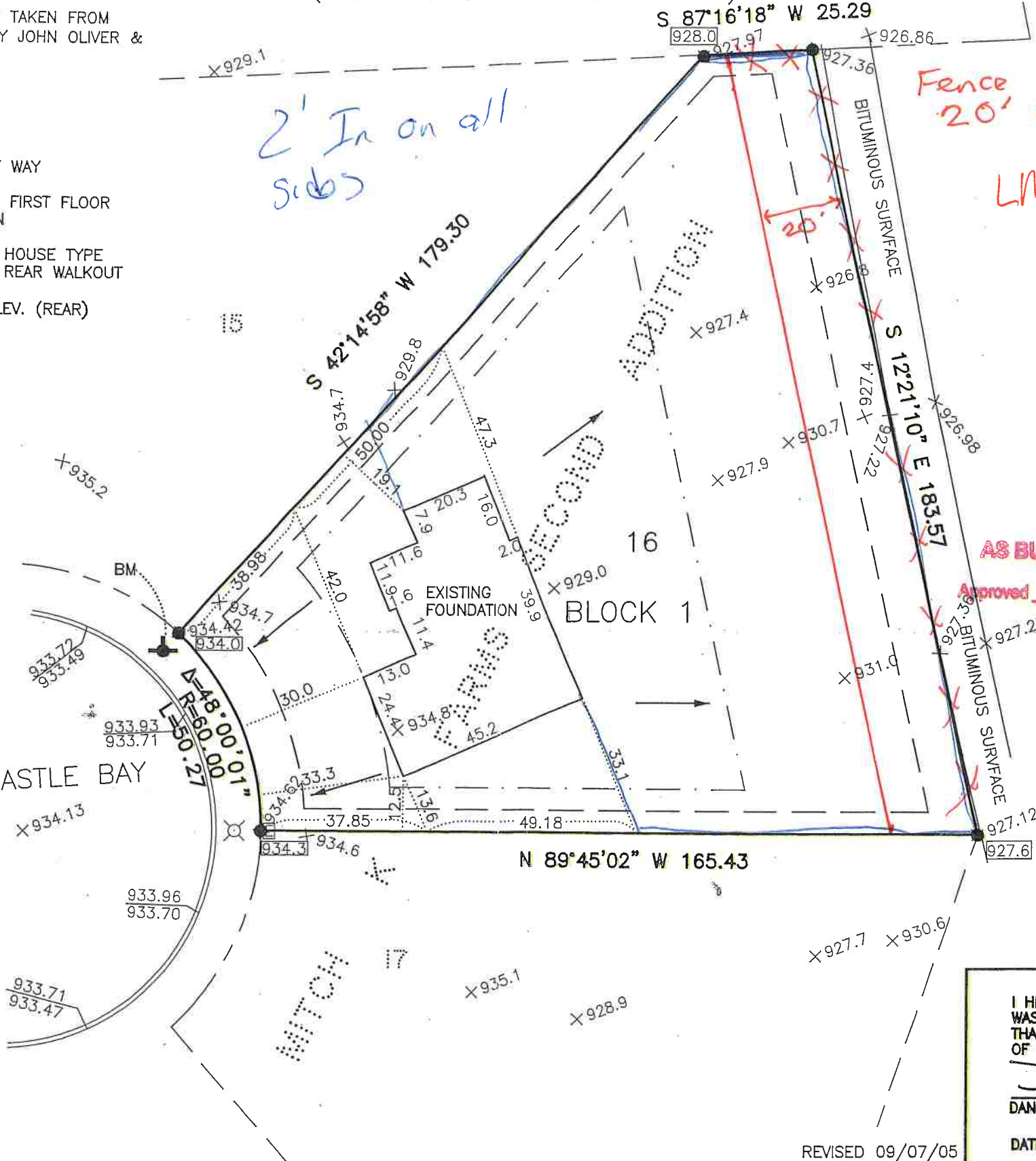
-Proposed Elevations are taken from grading plan/development plan done by John Oliver & Associates. (763) 441-2072

BENCHMARK:

-TNH
 -Located at the end of NEWCASTLE BAY
 -Elevation = 936.70

LEGEND

- HYDRANT
- GATEVALVE
- LIGHT POLE
- POWERPOLE
- ELECTRIC OUTCROP

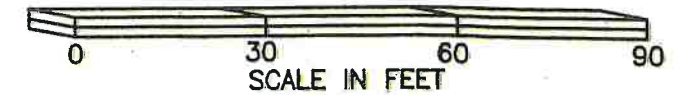


2' In on all sides

Fence cannot encroach w/in 20' of rear lot line. City Code Sec. 1027.04, Subd. 3, 1 LM 9/25/20

AS BUILT FOUNDATION SURVEY

Approved: Date: 9/12/05



- DENOTES IRON MONUMENT SET
- DENOTES IRON MONUMENT FOUND

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DANIEL M. KRON

DATE 07/12/05 LICENSE NO. 42621

REVISED 09/07/05
 05113 LOT 16

**ATTACHMENT C
NOTICE OF CODE VIOLATION**



**NOTICE
OF CODE
VIOLATION**

April 8, 2021

Emillio and Alyssa Broussard
18846 Newcastle Bay
Big Lake, MN 55309

During a site inspection of your property located at **18846 Newcastle Bay**, on October 14, 2020, it was determined by Big Lake City staff that the property is in violation of City Ordinance.

Violation: FENCE INSTALLATION WITHOUT PERMIT ISSUANCE (CITY CODE SECTION 1025.02, SUBD. 1, enclosed). *Residential fences require City approval. A zoning permit has not been issued for the fence constructed on your property. Records indicate a permit was submitted September 14, 2020 (Permit # 2020-00716), but was rescinded upon your request September 29, 2020.*

A zoning permit application is enclosed with this notice. Please complete the application and submit it (contact information provided below) at your earliest convenience.

Violation: FENCE INSTALLATION WITHIN BUFFER YARD (CITY CODE SECTION 1027.04, SUBD. 3, b, 1, enclosed). *Fencing was observed within the Buffer Yard (20-foot rear yard setback). As was discussed at length in September 2020, your property contains a Buffer Yard as defined by City Code Section 1027.04, Subd. 3. Fences are not permitted within Buffer Yards.*

The fencing installed within the buffer yard must be removed.

Please remedy this situation within the next **fourteen (14) days** and bring your property into compliance by acting in accordance with the options outlined in this notice. City staff will revisit your property in **fourteen (14) days** to ascertain whether or not the violation has been corrected. Failure to correct the violation may ultimately result in an administrative fine and ultimately a citation.

*If there are unusual circumstances that prohibit the correction of the violation within the allowed timeframe, you **must** contact the City prior to the date listed below to appeal for an extension. An extension may or may not be granted, depending on the nature of such request.*

PLEASE CORRECT THE ABOVE VIOLATION(S) BY:

APRIL 22, 2021

If you have any questions about this Notice, please contact City Planner Lucinda Meyers at 763-251-2977 or lmeyers@biglakemn.org.

***CITY PENALTY FEES OR COUNTY COURT CAN BE AVOIDED IF THE
CODE VIOLATION IS CORRECTED BEFORE THE DATE LISTED ABOVE.***

SECTION 1025 – FENCES

SECTION

- 1025.01: Purpose
- 1025.02: General Fence Regulations
- 1025.03: Non-Conforming Fences

1025.01: PURPOSE: The purpose of this Section shall be to provide for the regulation of fences in the City, to prevent fences from being erected that would be a hazard to the public or an unreasonable interference with the use and enjoyment of neighboring property, and are compatible with existing uses and other zoning restrictions.

1025.02: GENERAL FENCE REGULATIONS:

Subd. 1. Fence Permit. Fences, retaining walls, and sound barriers as defined in Section 1001 (Rules and Definitions) of this Ordinance, shall not be constructed without a building or administrative permit.

Subd. 2. Permit fees. A fee as set forth by City Council Resolution shall be charged for a permit issued under this Section for new fences, as well as the replacement of fences in the same location.

Subd. 3. Application Requirements.

- 1. The application shall be accompanied by a certificate of survey clearly describing the type, location and method of anchoring the fence, retaining wall, or sound barrier. Verification of lot lines shall be required.

Subd. 4. General Provisions.

- 1. In all Zoning Districts, a fence six (6) feet high or shorter may be erected in the rear yard and side yard areas up to the nearest front corner of the principal building, provided the fence is erected entirely upon private property. (Ord. 2003-05)
 - a. In the event that a deck or porch is located on the front of the structure, the six (6) foot tall fence section located along the side lot line(s) shall terminate at the front corner of the principal building as opposed to the front of the porch/deck addition.

2. In residential districts, a fence not exceeding four (4) feet in height and having at least seventy-five (75) percent open area for passage of air and light, may be erected on the front lot line and the side lot lines forward of a line drawn across the front line of the principal building.
3. On lakeshore lots, a fence not exceeding four (4) feet in height and having at least seventy-five (75) percent open area for passage of air and light, may be erected on the side lot lines behind the line drawn across the rear line of the principal building.
4. Fences shall not be permitted within any right-of-way, clear view triangle area, within the site visibility area adjacent to railroads, or below the 100-year floodplain of any lake, river or wetland.
5. Fences shall not be permitted within ten (10) feet of the curb, and/or surface of any street, road or alley that is regularly snowplowed by the City and is less than forty (40) feet in width.
6. If the fence is located along a boundary between two (2) properties, both sides shall be well maintained by the owner of the fence.
7. All posts and supporting structures of a fence shall face inward towards the property on which the fence is constructed. All posts and supporting structures shall be located entirely upon the fence owner's property.
8. Barbed wire fences shall be prohibited in all zoning districts with the exception of essential service structures, solar gardens, and solar farms, provided a conditional use permit is obtained, and rail car storage areas. Barbed wire shall be limited to 3' high and may extend above the maximum permitted fence height.
9. Fences shall be residential in nature, such as chain link, wrought iron, vinyl, or board and picket.
10. Wood, plastic, vinyl or other type of slats when used in combination with chain link fencing shall not be permitted within business or industrial districts.
11. Corn cribbing (snow) fences shall be prohibited in the residential areas of the City for any purpose other than marking areas for tree preservation as part of an approved plan, during the months of April through October.
12. Retaining walls shall be constructed when required by the City to prevent damage to any public area such as a sidewalk or street. Other retaining walls may be constructed under the same restrictions as placed on fences.
 - a. Retaining walls shall be installed with strict adherence to all manufacturers recommended standards.

- b. No treated wood (railroad tie) retaining walls shall be allowed within the City limits.
 - c. Plans for retaining walls shall be reviewed by the Building Official and/or City Engineer if over three (3) feet tall and/or proposed to be located within a drainage and utility easement.
- 13. Sound barriers shall only be constructed when authorized by the City.
 - 14. Fences up to sixteen (16) feet in height may be permitted to enclose public tennis courts or as back stops for public athletic fields provided all other requirements of this Section are met and that the backstop is setback a minimum of two hundred (200) feet from residential structures. A conditional use permit shall be required for fences taller than sixteen (16) feet for private tennis courts.
 - 15. Fences which include a security gate at a point where access is provided to the property and principal building may be approved if necessary and appropriate as part of a site plan review.
 - 16. No fence shall obstruct natural drainage. No fence shall be placed within an easement that obstructs or impedes the free flow of surface water from, or in any drainage easements. If a fence is constructed within the easement and it is required to be removed, the City shall not be required to pay compensation for any such fence.

Subd. 5. Special Provisions.

- 1. Ornamental fences may be permitted in a front yard if not designed or serving as an enclosure. Ornamental fences includes such things as split rail, picket, and brick fences, but not such things as chain link fences. The maximum allowed height for a brick wall is three (3) feet, for a split rail, picket or wrought iron fence four (4) feet with at least 25% open area for passage of air and light. Wrought iron and similar ornamental fences may be up to five (5) feet in height in commercial zoning districts.
- 2. On double frontage lots and corner lots, the front yard that has no access may have a fence that is less than 75% open to the passage of air and light, up to six (6) feet tall, at a distance of five (5) feet from the property line. On a corner lot, said fence may not extend beyond the front corner of the principal building.

1025.03: NON-CONFORMING FENCES: It is the intent of this Section to allow the continuation of such non-conforming fences until they are discontinued as provided herein. However, it is not the intent of this Section to encourage the survival of non-conforming fences

and such fences that are declared to be incompatible with permitted fences within the City. Such fences shall be regulated by the following provisions:

Subd. 1. An existing fence not allowed by this Section in the district within which it is located, except when required by law or ordinance, shall not be enlarged, extended, reconstructed, or structurally altered unless such fence is changed to comply with the requirements of this Section. Maintenance of a non-conforming fence will be allowed when this includes necessary repair and incidental alterations which do not expand or intensify the non-conforming fence.

ATTACHMENT E

**City of Big Lake CITY CODE SECTION 1027 ,
LANDSCAPE, SCREENING
AND TREE PRESERVATION**

**Chapter 10 Zoning
Section 1027 – Landscape, Screening
& Tree Preservation**

**SECTION 1027 – LANDSCAPE, SCREENING
AND TREE PRESERVATION**

SECTION

- 1027.01: Purpose
- 1027.02: General Mandatory Landscaping and Maintenance
- 1027.03: Required Landscaping
- 1027.04: Required Screening
- 1027.05: Financial Guarantee
- 1027.06: Tree Preservation

1027.01: PURPOSE: The purpose of this Section is to establish standards for the installation of screening, landscaping and the preservation of woodlands to protect the general health, safety, and welfare of the City.

1027.02: GENERAL MANDATORY LANDSCAPING AND MAINTENANCE:

Subd. 1. All exposed ground areas, including street boulevards (landscaped portion of right-of-way), and areas not devoted to off-street parking, drives, sidewalks, patios or other such improvements shall be landscaped with sod, seed, shrubs, other ornamental landscape materials and trees except that trees shall not be planted in boulevard portions of the public right-of-way, within sixty (60) days after a building is constructed on a lot. A final certificate of occupancy may be issued upon compliance with this Section. (Ord. 2003-05).

1. Temporary erosion control measures shall be installed and maintained until establishment of sod, seed and/or permanent erosion control measures are in place and functioning properly.

Subd. 2. All landscaped areas shall be maintained by the property owner and kept neat, clear and uncluttered, and where landscaping is required as part of City approvals, any plant material which is diseased or dies shall be replaced with like kind of the original size by the property owner. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise, unless specifically approved by the City.

Subd. 3. Fences, retaining walls and/or plantings placed upon utility easements or public right-of-way are subject to removal if required for maintenance or improvement of the utility. In such cases, costs for removal and restoration shall be the responsibility of the property owner.

Subd. 4. Slopes and Berms. Final grades with a slope ratio of greater than three (3) to one (1) shall not be permitted without approval of the City Engineer and/or Building Official

and shall contain approved treatment such as special seed mixtures or reforestation, terracing, or retaining walls. Berming used to provide required screening shall not have slopes in excess of three (3) to one (1).

Subd 5. Maintenance.

1. Maintenance of the landscape and screening shall be the responsibility of the individual property owner.
2. The color of screening walls or fences shall be uniform along the entire length and shall be a muted, earth tone color. Any modifications to the screening wall or fence shall require the approval of the Zoning Administrator.
3. All repairs to screening or walls shall be consistent with the original design in regard to location and appearance.
4. Replacement of landscape materials or plantings shall be consistent with the original landscape/screen design or as approved by the Zoning Administrator.
5. All repair or plant replacement shall be done within forty-five (45) days of written notification from the City.

Subd. 6. Landscape Guarantee: All new plants shall be guaranteed for twelve (12) months from the time planting has been completed. All plants shall be alive, of good quality, and disease free at the end of the warranty period or be replaced. Any replacements shall be warranted for twelve (12) months from the time of planting.

Subd. 7. Timing/Responsibility of Installation. Weather permitting, all buffer, berm, and/or plantings shall be constructed or planted prior to the issuance of a final certificate of occupancy.

1027.03: REQUIRED LANDSCAPING:

Subd. 1. Landscaping – All Uses. Prior to approval of a building permit for a new principal structure or addition, all uses shall be subject to the landscape provisions required herein.

1. Commercial, industrial, public, semi-public, institutional, multiple family residential, parking lots for five (5) or more vehicles and utility uses shall be required to submit a site landscape plan for approval by the City prior to issuance of a building permit. Said landscape plan shall be developed by a nurseryman or landscape professional and demonstrate an emphasis upon the boundary or perimeter of the proposed site at points adjoining a public right-of-way, other property and the immediate perimeter of the structure.

2. All landscaping incorporated in said plan shall conform to the following standards and criteria: The type of materials shall be appropriate for the site conditions (soils, climate, groundwater, manmade irrigation, grading, etc.).
3. To the extent possible, native drought-resistant plant materials/trees shall be utilized.
4. Commercial, industrial, multi-family, public, semi-public, institutional uses shall install irrigation systems to ensure survivability of landscape materials.

Subd. 2. The complement of trees fulfilling the requirements of this Section shall be not less than twenty-five (25) percent deciduous and not less than twenty-five (25) percent coniferous.

1. Number of Trees. The minimum number of overstory trees on any given site shall be as follows:
 - a. Single Family Uses. Two (2) trees per dwelling unit to be located in the front yard.
 - b. Multiple Family Uses. Residential structures containing two (2) or more units shall contain as a minimum: One (1) tree per dwelling unit.
 - c. Non-Residential Uses. Non-residential uses shall contain at a minimum the greater of:
 - (1) One (1) tree per one thousand (1,000) square feet of gross building floor area; or
 - (2) One (1) tree per fifty (50) lineal feet of site perimeter.
 - d. Overstory Trees. An equivalent of up to fifty (50) percent of the required number of overstory trees may be substituted with the use of overstory trees in combination with ornamental trees and/or shrubs. In such case, not less than three (3) ornamental trees/shrubs shall be provided for each one (1) required overstory tree substituted.

2. Minimum Size: All plants must at least equal the following minimum size:

	Potted/Bare Root	Or	Balled and Burlapped
Shade Trees	2 ½ inch diameter		2 ½ inch diameter
Ornamental Trees	1 ½ inch diameter		2 inch diameter
Evergreen Trees	---		6 feet
Tall shrubs/hedge material	3 - 4 feet		3 – 4 feet
Low shrubs, deciduous	18 – 24 inches		24 – 30 inches
• Evergreen	18 – 24 inches		24 – 30 inches
• Spreading evergreen	18 – 24 inches		18 – 24 inches

3. Spacing:
- a. Plant material centers shall not be located closer than three (3) feet from a side property line or three (3) feet from a front property line and shall not be planted to conflict with public plantings, drainage and utility easements, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Zoning Administrator.
 - b. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
4. Types Of New Trees/Shrubs: All tree and plant species shall be indigenous to the appropriate hardiness zone and physical characteristics of the site. Suitable tree and plant species for complying with this Section are identified in the following tables or as approved by the Zoning Administrator.

Coniferous Shrubs		
Aborvitae, Juniper, Mugo Pine, and Yew		
Deciduous Shrubs		
Barberry	Forsythia	Snowberry
Chokeberry	Honeysuckle	Spirea
Coralberry	Lilac	Sumac
Cotoneaster	Ninebark	Viburnum
Currant	Potentilla	Willow
Dogwood	Rose	
Euonymus	Serviceberry	

Coniferous Trees	Scientific Name
Fir, Douglas	<i>Pseudotsuga menziesii glauca</i>
Fir, White	<i>Abies concolor</i>
Hemlock, Canada (Eastern)	<i>Tsuga canadensis</i>
Pine: Austrian, White, Ponderosa, Red (Norway) and Scotch	<i>Pinus nigra, strobes, ponderosa, resinosa, sylvestris</i>
Redcedar, Eastern	<i>Juniperous virginiana</i>
Spruce: Black Hills, Norway, White, Japanese	<i>Picea glauca, pungens, abies, glauca</i>
Deciduous Trees	Scientific Name
Ash, Blue, Marshall Seedless, Summit, White	<i>Fraxinus quadrangulata, pennsylvanica ‘Marshalls Seedless,’ ‘Summit,’ Fraxinus americana</i>
Catalpa	<i>Catalpa speciosa</i>
Cherry, Black	<i>Prunus serotina</i>
Coffeetree	<i>Gymnocladus dioicus</i>
Ginkgo	<i>Ginkgo biloba</i>
Hackberry	<i>Celtis occidentalis</i>
Honeylocust: Skyline, Imperial	<i>Gleditsia triacanthos ‘Skyline,’ ‘Imperial’</i>
Linden: American, Greenspire, Littleleaf, Redmund	<i>Tilia Americana, cordata ‘Greenspire,’ cordata, Americana ‘Redmund’</i>
Maple: Autumn Blaze, Norway, Red (and cultivars)	<i>Acer ‘Autumn Blaze,’ plantanoides, rubrum</i>
Oak: Bur, Pin, Red, Scarlet, Swamp White, White	<i>Quercus macrocarpa, palustris, rubra, coccinea, bicolor, alba</i>
Ornamental Trees	Scientific Name
Birch, River	<i>Betula nigra</i>
Chokecherry, Amur	<i>Prunus maacki</i>
Chokecherry, Shubert’s	<i>Prunus virginiana ‘Shubert’</i>
Crabapple	<i>Malus spp.</i>
Dogwood, Pagoda	<i>Cornus alternifolia</i>
Hawthorn	<i>Crataegus spp.</i>
Ironwood	<i>Ostrya virginiana</i>
Lilac, Japanese tree	<i>Syringa reticulata</i>
Mountain Ash: American, European, Korean, Oak-Leaved, Showy	<i>Sorbus americana, aucuparia, alnifolia, hybrida, decora</i>
Nannyberry	<i>Viburnum lentago</i>
Plum: American, Canada	<i>Prunus americana, nigra</i>
Serviceberry	<i>Amelanchier spp.</i>

5. Sod and Ground Cover. All areas not otherwise improved in accordance with approved site plans shall have a minimum depth of four (4) inches of topsoil (black dirt consisting of not more than thirty-five (35) percent sand) and be sodded including boulevard areas located two (2) feet behind the back of curb (for erosion control). (Ord. 2010-04, 07/28/10). Exceptions to these criteria may be approved by the Zoning Administrator as follows:

- a. Seed may be provided in lieu of sod in any of the following cases:
 - (1) Where the seed is applied to future expansion areas as shown on approved plans.
 - (2) Where the seed is applied adjacent to natural areas or wetlands. (Seed mixture to be approved by the City Engineer).
 - (3) Where the seed is applied to low maintenance areas along side principal arterials (U.S. Highway 10) as defined by the Comprehensive Plan.
 - b. Undisturbed areas containing existing viable natural vegetation which can be maintained free of foreign and noxious plant materials.
 - c. Areas designated as open space or future expansion areas properly planted and maintained with prairie grass or wild flowers. Seed mixture to be approved by the City Engineer.
 - d. Use of mulch materials such as bark, wood chips and decorative block in support of shrubs and foundation plantings.
 - e. For single-family residential properties, portions of rear yards which lie beyond thirty (30) feet of the lot's principal building may be seeded, except in cases where the rear yard abuts a public street. Where a rear yard abuts a public street, that portion of the rear yard within thirty (30) feet of the lot line shall be sodded. Proper erosion control measures shall be implemented and maintained until vegetation is established.
6. Storm water management ponds shall be seeded with native wetland species as approved by the City Engineer. The perimeter of "dry ponds" shall be landscaped with plants and wildflower seed/stock subject to the approval of the City Engineer.
 7. To achieve ornamental grass, a minimum depth of four (4) inches of topsoil (black dirt consisting of not more than thirty-five (35) percent sand) shall be placed on the affected areas before seeding. A minimum depth of two (2) inches of topsoil shall be placed on the affected areas before sodding. Ornamental grass shall be guaranteed for a full two (2) years from the time planting is completed.
 8. Before a certificate of occupancy is issued, any area of the lot determined to be subject to erosion shall be sodded and staked. Areas needing erosion protection shall be determined by the Building Official or City Engineer.

9. Design (except for pond slopes which shall be subject to the review and approval of the City Engineer):
 - a. The landscape plan must show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc.) which are largely intended for aesthetic purposes.
 - b. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage must be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the Zoning Administrator.
 - c. Existing topographical and vegetative features, including the general location of significant trees shall be shown on the plan.
 - d. Plantings, including the required minimum number of overstory trees, ornamental trees, shrubs, flowers and ground cover materials.
 - e. Turf slopes in excess of three to one (3:1) are prohibited.
 - f. All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.
 - g. All commercial, industrial, public, semi-public, institutional and multi-family (three or more units attached), buildings must have an exterior water spigot and irrigation system to ensure that landscape maintenance can be accomplished.
 - h. Trees and shrubs shall not be planted in the right-of-way except for designated parkways and streets as determined by the City Council.
 - i. All plants required as part of an approved landscaping plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved landscape plan.

Subd. 3. Landscaping. In addition to landscaping, screening and/or fencing criteria outlined in this Section, the following standards shall apply to parking areas for five (5) or more vehicles.

1. All parking lots for five (5) or more vehicles shall provide plantings or surfacing material in all areas bordering the parking area. No landscaping shall interfere with the view of the street for driver's entering or exiting the premises. Landscaping shall be subject to the thirty (30) foot clear view triangle

requirements outlined in Section 1041.04 Subd. 6 (General Lot and Yard Requirements – Clear View Triangle) of this Ordinance. This requirement shall not apply to off-street parking areas for single family or two family dwelling units with direct street access to garages.

1027.04:**REQUIRED SCREENING:**

Subd. 1. Non-Residential Uses. Where any business, industrial, institutional, essential service, utility or public use (i.e., structure, parking or storage) abuts property zoned for residential use, said building/facility shall provide screening along the boundary of the residential property. Screening shall also be provided where a facility is across the street from a residential zone, but not on that side of a business, industry or institutional building considered to be the front (as determined by the Zoning Administrator). The screening specifically required by this Section shall consist of a greenbelt strip, buffer yard or other screening as provided for below.

1. A greenbelt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be a minimum of ten (10) feet in width and of a sufficient density to provide a visual screen and reasonable buffer. This planting strip shall be designed to provide visual screening to achieve a seventy-five (75) percent opacity year round and to a minimum height of six (6) feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The planting plan and type of plantings shall require the approval of the Zoning Administrator. Said greenbelt strip shall be irrigated unless exempted by the City Council.
2. A fence or earth berm may also be installed, but not in lieu of the greenbelt plant materials. Earth berms may be used but shall also be planted with landscape screening materials. A fence shall be constructed of masonry, brick, steel, vinyl or wood, except as otherwise provided herein. Such fence shall provide a solid screening effect and shall be a minimum of six (6) feet in height. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The design and materials used in constructing a required screen shall be subject to the approval of the Zoning Administrator. The use of plastic, vinyl or wood slats in combination with chain-link fence shall not be considered as a permitted screening method.

Subd. 2. Multiple Family Uses. Where multi-family buildings of three (3) or more units abut property zoned or developed with a less dense residential use, the higher density residential use shall provide screening along all off-street parking and formal outdoor recreational activity areas and between multi-family and single-family units to mitigate possible adverse impacts. Housing of similar types and densities shall not be subject to special screening requirements for formal outdoor recreational activity areas.

Subd. 3. Buffer Yards. Buffer yards shall be located along lot lines for residential lots that abut major collector or arterial roads, railroad right of way or overhead power lines. (Ord. 2003-05)

1. Buffer Yard Requirements. Except as may be approved by the City Council and except for lots of record and preliminary platted lots having legal standing established on July 20, 2002 (effective date of Ordinance), lots which border major collector, arterial street, overhead power lines or railroad right-of-way shall provide a minimum twenty (20) foot buffer yard in addition to the required lot width and depth requirements of the underlying zoning district, to screen homes from said streets, power lines or railroad right-of-way. (Ord. 2003-05).
2. Landscape/Screening Plan Required. For new subdivisions, a comprehensive landscape and screening plan shall be submitted and said plan shall identify all proposed buffer screening in both plan and sectional view.
3. Buffer Yard Landscape Design Standards.
 - a. Plantings. All designated buffer yards must be seeded or sodded except in areas of steep slopes where natural vegetation is acceptable, and planted with trees and shrubs as approved by the Zoning Administrator. All plantings within designated buffer yards shall adhere to the following:
 - (1) Plant material centers shall not be located closer than three (3) feet from a fence line or property line, and shall not conflict with public plantings, sidewalks, trails, easements etc.
 - (2) Landscape screen plant material shall be planted in two (2) or more rows. Plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
 - (3) Deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center.
 - (4) Deciduous trees intended for screening shall be planted not more than forty (40) feet apart. Evergreen trees intended for screening shall be planted not more than fifteen (15) feet apart.
 - b. Walls And Fences: All walls and fences erected within designated buffer yards shall adhere to the following:
 - (1) Only walls and fences formally approved as part of the subdivision and site plan process shall be permitted.

- (2) At least fifty (50) percent of the street side of a screening fence shall be landscaped with plant materials. Plant materials shall be at least equal to the fence height.
 - (3) Exposed fences shall run a maximum length of fifty (50) feet between landscaping areas or clusters.
 - (4) Fences and landscaping shall not be located within the "Clear View Triangle" as defined in Section 1001 (Rules and Definitions) of this Ordinance.
- c. Accessory structures: Accessory structures shall not be located within designated buffer yards.
 - d. Earth Berms. Earth berms within designated buffer yards:
 - (1) Shall not exceed a three to one (3:1) slope unless approved by the City Engineer.
 - (2) Shall contain no less than four (4) inches of topsoil.
 - (3) Landscaping proposed in conjunction with berms shall be planted in a manner that does not result in a single row of plants along the top of the berm. Landscaping shall be grouped and provided to accomplish visual interest as well as screening. (Ord. 2003-05).

Subd. 4. Screening of Mechanical Equipment. All rooftop and ground mounted mechanical equipment of residential buildings having three (3) units or more and of non-residential buildings and/or equipment shall comply with the following standards:

- 1. All rooftop and ground mounted mechanical equipment shall be screened so as to mitigate noise and view of said equipment in compliance with Section 1032 (Performance Standards) of this Ordinance.
- 2. All rooftop and ground mounted mechanical equipment shall be designed (including exterior color) and located so as to be aesthetically harmonious and compatible with the building.
 - a. Rooftop mechanical equipment shall not exceed the building height standards by more than ten (10) feet.
 - b. All rooftop and ground mounted equipment shall be painted or color clad to match the building or screened from view with secured fencing or parapets in a harmonious color.

- c. Screening of and landscaping around the equipment may be required where the design, color, and location of the equipment are found to not effectively buffer noise or provide aesthetic harmony and compatibility. Screening shall be constructed of durable materials which are aesthetically compatible with the structure and which may be an integral part of the structure. Applicable requirements for access to the equipment shall be observed in the design and construction of the screening.
3. All loading, service utility, mechanical equipment and outdoor storage areas shall be completely screened from all public roads and adjacent properties and shall be designed to be compatible with the architectural treatment of the principal building.

1027.05: FINANCIAL GUARANTEE: A financial guarantee in the form of a performance bond, letter of credit or other form acceptable to the City Attorney, shall be provided by the applicant prior to the issuance of any permit for land alteration.

Subd. 1. The amount of the guarantee shall be one hundred twenty five (125) percent of the estimated cost to furnish and plant materials including irrigation, mulch, and other landscape materials. The estimated cost shall be provided by the applicant subject to approval by the City. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of all landscape and/or screening materials. The City reserves the right in its sole discretion to determine the estimated cost in the event the applicant's estimated cost is not approved.

Subd. 2. The security shall be maintained for at least one (1) year after the date that the last landscape materials have been planted. Upon a showing by the applicant and such inspection as may be made by the City, that portion of the security may be released by the City equal to one hundred twenty five (125) percent of the estimated cost of the landscape materials which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the applicant's responsibility to remove and replant landscape materials which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of replanting said landscape materials, the entire security may be released.

1027.06: TREE PRESERVATION: Prior to the issuance of building permits for all new and/or expanded multiple-family residential, commercial, industrial, and institutional uses, a tree preservation plan shall be submitted. The plan and its implementation shall be in accordance with the requirements as outlined in the City's Subdivision Ordinance and shall be subject to the review and approval of the City Engineer and Zoning Administrator. The City Council may exempt an applicant from the submission of a tree preservation plan upon demonstration that such a plan is not considered relevant to the site in question.



WORKSHOP ITEM

Big Lake City Council

Prepared By Clay Wilfahrt, City Administrator	Meeting Date 4/28/2021	Item No. 4B
Item Description New Ideas Discussion	Reviewed By: N/A	
	Reviewed By: N/A	

COUNCIL DIRECTION REQUESTED

None

BACKGROUND/DISCUSSION

This item is dedicated for City Council Members to bring up any ideas/projects that they would like to discuss during the Workshop.

FINANCIAL IMPACT

None

ALTERNATIVES

None

ATTACHMENTS

None